

REMARKS

Rejection of claims 41 and 52 under 35 U.S.C. §112, first paragraph

Item 2 of the Office Action rejected claims 41 and 52 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office Action states “the specification does not describe a system and method for assigning credits to each of the routing strategies and the one or more alternative routing strategies and selecting the revised data packet route by comparing the assigned credits.” The Office Action further refers to paragraph [0026] of Applicant’s specification where the specification states “...assigned credit for the better strategy.”

Applicant submits that “method for assigning credits...and selecting the revised data packet route” as required by claims 41 and 52 is adequately described in paragraphs [0037], [0038] and [0039] of Applicant’s specification, for example paragraph [0039] of Applicant’s specification recites “the agent program can assign the strategies credit (fitness) based on their performance, and can select certain strategies for reproduction based on fitness.” Accordingly, Applicant respectfully requests the rejection to be withdrawn.

Rejection of Claims 1-20 and 31-52 under 35 U.S.C. § 102(b) as being anticipated by US. 6,108,710 (Brabson)

Applicant respectfully traverses the rejection of claims 1-20 and 31-52 under 35 U.S.C. § 102(b) as being anticipated by US. 6,108,710 (Brabson).

MPEP § 2131 provides: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Brabson does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 11, 31 and 42. Specifically, independent claims 1 and 11 require “extracting routing strategy data from said received data packet” which is not anticipated either expressly or inherently, in Brabson. Independent claims 31 and 42 require “the data packet comprising....a routing strategy” which is not anticipated either expressly or inherently, in Brabson.

Brabson is directed to a method for optimizing route generation in a connection oriented network. It is important to note that Brabson uses a connection oriented network, where a virtual circuit or a connection has to be established before a source node initiates data transfer to the destination node. For example, in column 5, lines 32- 40, Brabson discloses “once node A has the complete route, node A sends a ROUTE_SETUP request to inform all nodes along the route that it is getting to ready to send data.....before sending the ROUTE_SETUP packet to another node, the algorithm described in FIG. 2 is performed to further optimize the calculated route.” Therefore, Brabson performs the optimization method of FIG. 2 before it actually sends the ROUTE_SETUP request which informs all the nodes that it is getting to ready to send data via optimized route i.e. all subsequent data packets sent by source node use the optimized route, Brabson, column 6, lines 21-24.

Independent claims 1 and 11, on the other hand, require “extracting routing strategy data from said received data packet” i.e. when the routing node receives the data packet, it extracts the routing strategy data from the received data packet and compares the extracted routing strategy data with the routing information stored within the routing node to select a new routing path and updates the strategy. Similarly, independent claims 31 and 42 require “the data packet comprising ...a routing strategy”. With reference to independent claims 1, 11, 31 and 42, a source node need not establish a connection with the destination node when the source node starts transmitting the data packet (including routing strategy data) to a routing node i.e. the route is determined as and when (using routing strategy data) the data packet is received at a routing node. In contrast, since Brabson uses a connection oriented network, once the source node receives the ROUTE_SETUP reply along with the new route to be used from the destination

node, all subsequent data packets sent by source node use the new route without any change in the route at any of the intermediate nodes, Brabson, column 6, lines 22-25.

Applicant respectfully disagrees with the statement in item 4, page 3, of the Office Action dated March 9, 2007 that Brabson describes extracting a routing strategy (calculated route) from the data packet in column 5, lines 50-55. The cited passage, in contrast, discloses that the calculated route is received in the reply packet. The office Action specifically refers to “reply packet” as being analogous to “data packet”. This analogy is, however, a mischaracterization of Brabson. As stated earlier, Brabson optimizes the route generation prior to transmitting the data packet to the destination and once the optimized route is calculated, all routing nodes use the optimized route information to route the data to the destination. In contrast, with reference to independent claims 1 and 11, the data packet itself contains the routing strategy data and at each routing node, the strategy data is compared with the routing information within the routing node to update the routing strategy and transmitted to a next routing node based on this updated routing strategy.

In view of the foregoing, Applicant respectfully submits that Brabson does not disclose that the strategy routing data is extracted from the received data packet. Applicant therefore submits that claims 1, 11, 31 and 42 are not anticipated by Brabson, and therefore that the rejection of claims 1, 11, 31 and 42 under 35 USC 102(b) is improper and should be withdrawn. Applicant requests that claims 1, 11, 31 and 42 may now be passed to allowance.

Dependent claims 2-10, 12-20, 32-41 and 43-52 depend from, and include all the limitations of independent claim 1, 11, 31 and 42, respectively, which claims are shown to be allowable for the reasons given above. Therefore, Applicant respectfully submits that dependent claims 2-10, 12-20, 32-41 and 43-52 are in proper condition for allowance and requests that claims 2-10, 12-20, 32-41 and 43-52 may now be passed to allowance.

Rejection of Claims 1-20 and 31-52 under 35 U.S.C. § 102(b) as being anticipated by US. 5,506,838 (Flanagan)

Applicant respectfully traverses the rejection of claims 1-20 and 31-52 under 35 U.S.C. § 102(b) as being anticipated by US. 5,506,838 (Flanagan).

Applicant respectfully submits that Flanagan does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 11, 31 and 42. Specifically, independent claims 1 and 11 require “extracting routing strategy data from said received data packet” which is not anticipated either expressly or inherently, in Flanagan. Independent claims 31 and 42 require “the data packet comprising....a routing strategy” which is not anticipated either expressly or inherently, in Flanagan.

Flanagan is directed to a method for propagating information, such as node status and routing information, to nodes connected to a network. In Flanagan, each node forwards the packet to every node connected directly to a common data link in order to propagate route information. In column 9, lines 11-15, Flanagan discloses “the condition initiating packet propagation occurs, such as either network initialization or the addition of new node to the network in the case of propagation of a discovery packet or a node status change in the propagation of a node status packet.” Further, in column 9, lines 42-47, Flanagan describes that “it is determined whether the route contained in the discovery packet payload 150 is already stored in memory 40, if it is determined that the route was previously received, then propagation of the packet is terminated” i.e. each intermediate node checks whether the route is already present in its routing table, if the route is already present in the routing table, then it terminates the propagation of the packet. Therefore, it is clear that the above propagation is merely for route discovery and not for the actual data packet transmission.

Independent claims 1 and 11, on the other hand, require “extracting routing strategy data from said received data packet” i.e. when the routing node receives the data packet, it extracts the routing strategy data from the received data packet and compares the extracted routing

strategy data with the routing information stored within the routing node to select a new routing path and updates the strategy. Similarly, independent claims 31 and 42 require “the data packet comprising ...a routing strategy”. With reference to independent claims 1, 11, 31 and 42, a source node need not establish a connection with the destination node when the source node starts transmitting the data packet (including routing strategy data) to a routing node i.e. the route is determined as and when (using routing strategy data) the data packet is received at a routing node. In contrast, Flanagan discloses that discovery packets are propagated by each node at system initialization so that each node can learn the routes to every other node, Flanagan, column 7, lines 40-51. In Flanagan, the receiving node terminates the propagation of packet (discovery packet/node status packet) if the route information is already present in the memory of receiving node, and if the route information is not present in the memory, then the receiving node stores the route to the source node in the memory. Therefore, Flanagan does not teach or suggest that the strategy routing data is extracted from the received data packet.

Applicant respectfully disagrees with the statement in item 5, page 9, of the Office Action dated March 9, 2007 that Flanagan describes extracting a routing strategy from the data packet in step 256, column 9, line 49 – column 10 line 5. The Office Action appears to be equating “discovery packet/node status packet” with “data packet”. This analogy is, however, a mischaracterization of Flanagan. As stated earlier, Flanagan teaches propagating the discovery packet when a new node is added to the network and propagating the node status packet when there is a change in the status of the node. However, Independent claims 1 and 11 require that the data packet itself contains the routing strategy data and at each routing node, the strategy data is compared with the routing information within the routing node to update the routing strategy and transmitted to a next routing node based on this updated routing strategy.

In view of the foregoing, Applicant respectfully submits that Flanagan does not disclose that the strategy routing data is extracted from the received data packet. Applicant therefore submits that claims 1, 11, 31 and 42 are not anticipated by Flanagan, and therefore that the rejection of claims 1, 11, 31 and 42 under 35 USC 102(b) is improper and should be withdrawn. Applicant requests that claims 1, 11, 31 and 42 may now be passed to allowance.

Dependent claims 2-10, 12-20, 32-41 and 43-52 depend from, and include all the limitations of independent claim 1, 11, 31 and 42, respectively, which claims are shown to be allowable for the reasons given above. Therefore, Applicant respectfully submits that dependent claims 2-10, 12-20, 32-41 and 43-52 are in proper condition for allowance and requests that claims 2-10, 12-20, 32-41 and 43-52 may now be passed to allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

April 20, 2007

Motorola, Inc.
8000 West Sunrise Boulevard
Law Department – MD1610
Plantation, Florida 33322
Customer Number: 24273

By: /Randi L. Karpinia/
Randi L. Karpinia
Attorney of Record
Reg. No.: 46,148
Tel: 954-723-6449
Fax: 954-723-3871
E-mail: docketing.florida@motorola.com